REMARKS

Status of the Claims

Claims 1-30 are currently present in the Application, and claims 1, 11, and 21 are independent claims. Claims 1, 6, 11, 16, 21-22, and 24-27 have been amended, no claims have been cancelled, and no claims have been added.

Examiner Interview

Applicants note with appreciation the telephonic interview conducted between Applicants' representative and the Examiner on September 28, 2007. During the telephonic interview, the Examiner and Applicants' representative discussed one of the 103 references (Fischer et al., U.S. Patent No. 7,143,419). In particular, Applicants' representative discussed that Applicants' invention uses a processor identifier to determine whether to load a software file onto a second processor. In contrast, Fischer loads software into a mobile device based upon other criteria, such as which software already resides on the mobile device, and is never concerned with a mobile device's actual processor type. The Examiner stated that it is inherent that since Fischer discloses a mobile device type, and that each mobile device type includes a processor, that Fischer discloses a processor identifier. Applicants' representative disagreed because Fischer uses an API, which makes Fischer's software independent of a particular processor type. In addition, many different mobile devices may use the same processor type and, as a result, a one-to-one relationship does not exist between a mobile device and a processor type as suggested by the Examiner. No agreement was reached regarding the claims.

Information Disclosure Statement

Applicants note that the Examiner did not initial Applicants' "AN" reference on Applicants' Information Disclosure Statement filed on March 29, 2007, which is a publication by Stallman. Applicants request that the Examiner send Applicants a copy of PTO-1449 with the "AN" reference initialed.

Drawings

Applicants note that the Examiner did not indicate whether the formal drawings, filed with Applicants' application, are accepted by the Examiner. Applicants respectfully request that the Examiner indicate whether the formal drawings are accepted in the next office communication.

Claim Objections Under 35 U.S.C. § 112

Claims 6, 16, and 26 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have amended claims 6, 16, and 26 to describe acronyms. Support for this amendment regarding "XCOFF" and "PECOFF" may be found in Applicants' specification on pages 51, lines 15-18. In addition, the acronym "ELF" was commonly known to those skilled in the art at the date of Applicants' filing to define an "Executable and Linking Format." Therefore, no new matter is added with such amendment.

Claim Rejections – Alleged Obviousness Under 35 U.S.C. § 103

Claims 1, 3, 7-10, 21, 23, and 27-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fischer et al. (U.S. Patent No. 7,143,419, hereinafter "Fischer") in view of D'Souza (U.S. Patent No. 6,446,218, hereinafter "D'Souza"). Applicants respectfully traverse these rejections.

Applicants have amended claim 1 to distinctly claim that a processor identifier is extracted from a file, and the processor identifier corresponds to a second processor. Support for this amendment may be found in Applicants' specification on page 53, lines 13-20 and, therefore, no new matter is added with such amendment. As amended, Applicants' independent claim 1 is directed toward a method with limitations comprising:

- retrieving a file using a first processor;
- extracting a processor identifier from the file at the first processor, the processor identifier corresponding to the file;
- determining whether to load the file on a second processor based upon whether the processor identifier corresponds to the second processor; and

- loading the file onto the second processor in response to the determination.

Applicants retrieve a file and extract a processor identifier from the file. Applicants then use the processor identifier to determine whether to load the file on the first processor or a second processor. When Applicants' invention determines to load the file on the second processor, Applicants' invention loads the file on the second processor.

During the Examiner interview, the Examiner stated that since Fischer discloses a mobile device type, that Fischer inherently discloses checking a processor identifier since each mobile device type has a different processor identifier. Applicants respectfully disagree. Many device types may have the same processor identifier, and Fischer is not concerned whatsoever with the processor type that is included in the mobile device. In fact, Fischer states:

> "Preferably, the mobile device has an operating system with Java VM 1.1.4 or PersonalJava and at least 5 MB of memory. Preferably, mobile engine 110 is based on Java, **so that it may run on any platform supporting Java**." (col. 3, lines 9-13, emphasis added)

> "This mobile engine API layer 145 also **provides device independence** so that any application can run on any device without specific programming for device specific dependencies." (col. 4, lines 32-35, emphasis added)

As can be seen from the above excerpts, Fischer actually teaches away from identifying a processor identifier for a particular file because Fischer includes an API that makes the actual processor itself irrelevant to the software file being loaded. Therefore, Fischer's "device type" is not the same as Applicants' "processor identifier" as suggested by the Examiner.

Fischer teaches a method of loading software on a mobile device based upon which software has already been loaded on the mobile device (latest versions, etc.). Fischer states:

> "Deployment console 400 has an overview of all installed offline applications per user and device through an installation log 432 **that**

records that an installation has occurred whenever an offline application, modular offline application building blocks, or other software is deployed and installed on a device...Some computer systems serving a plurality of users **install applications according to user roles**... Role assignment module 410 permits an administrator to assign a user to a rule and to assign what software should be installed for each role... The deployment console 400 can also manage versions of software for deployment by **defining the current version of each offline application that should be installed**....Storage medial, such as database 418, keeps track of what software should be installed on each device for each user. This data stored therein is **based upon the parameters set by role assignment module 410, personal assignment module 412, and version control module 416**." (col. 9, lines 41-67, emphasis added)

"Installer 430 is provided that retrieves software from storage media 436 for downloading and installation on a device. This is done **based upon the comparison of information from a registry service on a device to information stored in database 418 relating to what is supposed to be resident on that particular device**." (col. 10, lines 10-15, emphasis added)

As can be seen from the above excerpts, Fischer provides software to a mobile device based upon criteria that has nothing to do with a processor identifier. In addition, Fischer never extracts a processor identifier from the file, but rather compares information from a registry service to information stored on a database in order to determine whether to load a software file onto the mobile device. Therefore, Fischer never teaches or suggests "*extracting a processor identifier from the file at the first processor, the processor identifier corresponding to the file; determining whether to load the file on a second processor based upon whether the processor identifier corresponds to the second processor; and loading the file onto the second processor in response to the determination*" as claimed by Applicants. The Office Action does not suggest that D'Souza teaches such limitations, and indeed D'Souza does not teach these limitations. Therefore, since neither Fischer nor D'Souza teach or suggest all the limitations included in Applicants claim 1 as amended, amended claim 1 is allowable over Fischer in view of D'Souza. Claim 21 is a computer program product claim including similar

limitations of claim 1 and, therefore, is allowable for at least the same reasons that claim 1 is allowable.

Notwithstanding the fact that claim 9 depends upon claim 1 and, therefore, is allowable for at least the same reasons that claim 1 is allowable, claim 9 adds a limitation to claim 1 of:

- wherein the file is part of a combined file, and wherein the combined file includes one or more processor identifiers that correspond to the first processor.

The limitation in claim 9 claims that the combined file includes a processor identifier that corresponds to the *first processor*, which is the processor retrieving the file. The Office Action points to an excerpt in Fischer that discusses the format of a data container, but the excerpt never teaches or suggests that the data container includes a processor identifier that corresponds to Fischer's first processor, which is installer 430 based upon the Office Action's rejection to Applicants' claim 1. The Office Action does not suggest that D'Souza teaches or suggests such limitation, and indeed D'Souza does not teach such limitation. Therefore, since neither Fischer nor D'Souza teach or suggest the limitation of claim 9, claim 9 is allowable over Fischer in view of D'Souza. Claim 19 is an information handling system claim including similar limitations of claim 9 and, therefore, is allowable for at least the same reasons that claim 9 is allowable. Claim 29 is a computer program product claim including similar limitations of claim 9 and, therefore, is allowable for at least the same reasons that claim 9 is allowable.

Each of the remaining claims 3, 7-8, 10, 23, 27-28, and 30 depend, either directly or indirectly, upon one of the allowable independent claims 1 or 21. Therefore, each of claims 3, 7-8, 10, 23, 27-28, and 30 is allowable for at least the same reasons as their respective independent claim is allowable.

Claims 2, 4-5, 22, and 24-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fischer in view of D'Souza and further in view of Odinak et al. (U.S. Patent Pub. 2005/0081187, hereinafter "Odinak"). Applicants respectfully traverse these rejections.

Claims 2, 4-5, 22, and 24-25 each depend, either directly or indirectly, upon one of the allowable independent claims 1 or 21. Therefore, claims 2, 4-5, 22, and 24-25 are allowable over Fischer in view of D'Souza and further in view of Odinak for at least the same reasons that claims 1 and 21 are allowable over Fischer in view of D'Souza as discussed above.

Claims 6 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fischer in view of D'Souza and further in view of Zwirner (U.S. Patent Pub. 2004/0181785, hereinafter "Zwirner"). Applicants respectfully traverse these rejections.

Claims 6 and 26 each depend indirectly upon one of the allowable independent claims 1 or 21. Therefore, claims 6 and 26 are allowable over Fischer in view of D'Souza and further in view of Zwirner for at least the same reasons that claims 1 and 21 are allowable over Fischer in view of D'Souza as discussed above.

Claims 11-15 and 17-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fischer in view of D'Souza and further in view of Odinak et al. (U.S. Patent Pub. 2005/0081187, hereinafter "Odinak"). Applicants respectfully traverse these rejections.

Claim 11 includes limitations similar to those found in claim 1. The Office Action does not suggest that Odinak teaches or suggest any of these limitations, and indeed Odinak does not teach such limitations. Therefore, claim 11 is allowable over Fischer in view of D'Souza and further in view of Odinak for at least the same reasons that claim 1 is allowable over Fischer in view of D'Souza as discussed above.

Each of the remaining claims 12-15 and 17-20 depend, either directly or indirectly, upon allowable independent claim 11. Therefore, each of claims 12-15 and 17-20 is allowable for at least the same reasons that claim 11 is allowable.

Conclusion

As a result of the foregoing, it is asserted by Applicants that the remaining claims in the Application are in condition for allowance, and Applicants respectfully request an early allowance of such claims.

Applicants respectfully request that the Examiner contact the Applicants' attorney listed below if the Examiner believes that such a discussion would be helpful in resolving any remaining questions or issues related to this Application.

Respectfully submitted,

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